

Amendment After Final
Attorney Docket Number: 6771USD1
March 4, 2004

Remarks

Applicants respectfully request reconsideration of this application, as amended, and consideration of the following remarks.

Amendments

Amendments to the Claims

Applicants have amended the claims and have canceled claims to more particularly point out what Applicants regard as the invention. No new matter has been added as a result of these amendments.

Rejections Under 35 U.S. C. § 102(b)

Klein et al. (5,527,322) – Claims 26, 48, 49, 65, 65, and 89

Applicants respectfully submit that Klein '322 does not disclose each and every element of the present invention as claimed in claims 26, 48, 49, 65, 66, and 89.

Particularly, Klein '322 does not disclose a device including a bight, which forms a knot. It was stated in the above-referenced Official Action that "...while the bight is pre-arranged on the device (see col. 11, lines 51-56, where a knot is tied (i.e., a bight is formed) prior to removal of the device from the vessel)."

Applicants respectfully disagree in that the knot formed and described in Klein '322 must be manually formed by the user of the device, wherein the knot can be formed by the user prior to removal of the device from the vessel. This is unlike the present invention, wherein the bight is disposed on the device prior to use, wherein a knot is then formed automatically during use of the device. Applicants believe that the amendments to the claims place the claims in allowable condition and therefore respectfully request that the rejection be withdrawn and the application advanced to allowance.

Klein et al. (5,417,699) – Claims 69, 70, 72, and 73

Applicants respectfully submit that Klein '699 does not disclose each and every element of the present invention as claimed in claims 69, 70-73.

Klein '699 discloses devices and methods for suturing percutaneous luminal puncture sites. After suture is passed through the needle penetrations made in the blood vessel, the free ends of the suture may be secured together, e.g., by tying to form a knot. (Klein '699, col. 8, lines 23-32).

With regard to Claim 69 Applicants hereby submits the above amendments, where Applicants have amended Claim 69 to recite that one of the suture ends passes through a bight, which is disposed on the body of the device, wherein the bight forms a knot. In light of the amendment to Claim 69, it is respectfully submitted that Klein '699 does not disclose each and every element of the invention as claimed.

Dependent Claim 70 depends from allowable Claim 69, and therefore includes all the limitations of Claim 69, as well as additional limitations. For the same reasons

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discussed above with respect to Claim 69, Applicants submit that Claim 70 is not anticipated by Klein '699.

With regard to independent Claim 72, Applicants have amended Claim 72 to recite that one of the suture ends passes through a bight, which is disposed on the body of the device, wherein the bight forms a knot. In light of the amendment to Claim 72, it is respectfully submitted that Klein '699 does not disclose each and every element of the invention as claimed.

Dependent Claim 73 depends on allowable independent Claim 72, and therefore includes all the limitations of Claim 72 as well as additional limitations. For the same reasons discussed above with respect to Claim 69, Applicants submit that Claim 70 is not anticipated by Klein '699.

Accordingly, Applicants submit that the invention claimed in Claims 69, 70, 72, and 73 is not anticipated by Klein '699 under 35 U.S.C. §102(b) and respectfully requests the withdraw of the rejection.

Rejections Under 35 U.S.C. §103(a)

Wilk (4,950,285) – Claims 85-86

Claims 85-86 have been withdrawn through the above claim amendments, therefore discussion of Claims 85-86 in view of Wilk is moot.

Allowable Subject Matter

Applicants thank the Examiner for indication that Claims 92 and 93 are considered allowable. Applicants further thank the Examiner for indicating that Claims 27, 50-63, 66-68, 71, 74-84, 87, 88, 90, and 91 contain allowable subject matter if rewritten to include all the limitations of the claims from which they originally depend. Claims 27, 50, 51, 79, 87, 88, 90, and 91 have been canceled in the above claims amendment without disclaimer to their subject matter. Claims 26, 48, 52, 69, 71-74, 78, 80-82, 84, and 92 have been amended in the above claims amendment. Applicants respectfully traverse the requirement to amend Claims 53-63, 66-68, 75-78, and 83 in view of the arguments presented above with respect to the independent claims on which the objected-to claims depend. Applicants respectfully reserve the right to make such amendments.

Summary

Applicants submit that each allowed claim is allowable over prior art of record because each and every element set forth in each of the allowed claims is not found in the prior art of record, and the claimed invention as a whole is not obvious over the prior art of record.

In this respect Claims 26, 48, 52, 69, 71-74, 78, 80-82, 84, and 92 have been amended, Claims 27, 50, 51, 79, 85-91 have been canceled. Therefore, Claims 26, 48, 49, 52-74,

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83, 84, 92 and 93 are currently pending. In view of the foregoing amendments and remarks, Applicants respectfully submit that the pending claims are in condition for allowance. Applicants respectfully request reconsideration of the application and allowance of the pending claims.

If the Examiner determines the prompt allowance of these claims could be facilitated by a telephone conference, the Examiner is invited to contact Kelly J. McCrystle at (650)-474-3326.

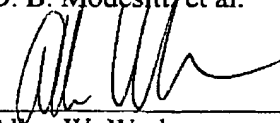
Deposit Account Authorization

Authorization is hereby given to charge our Deposit Account No. 01-0025 for any charges that may be due or credit out account for any overpayment. Furthermore, if an extension is required, then Applicants hereby request such extension.

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Respectfully submitted,
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